

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application of:)
Applicant: CURIE *et al.*) Art Unit: 1772
Serial No.: Continuation of ⁰⁹/293,401) Examiner: R. Dye
Filed: June 20, 2001)
For: TRANSPARENT MULTILAYER)
POLYPROPYLENE CONTAINER)
WITH BARRIER PROTECTION)

PRELIMINARY AMENDMENT

Box: PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Amendment is being submitted simultaneously with the filing of a request for a continuation patent application of U.S. Patent Application Serial No. ⁰⁹/293,401. Entry of this paper prior to examination of the requested continuation application on its merits is respectfully requested.

IN THE SPECIFICATION:

Please insert the following at the beginning of the specification:

--This application is a continuation application of pending application Serial No. ⁰⁹/293,401 filed April 16, 1999.--

IN THE CLAIMS:

Please amend the claims as follows:

1. (Amended) A multilayer container comprising:

a first layer defining an outermost layer of the container and comprising polypropylene; and

a second layer comprising an oxygen barrier material, directly adjacent to said first layer;

at least one of said first and second layer further comprises an adhesive mixed therein.

2. (Amended) The container of claim 1 the first layer comprising approximately 0.01% to 0.20% maleic anhydride.

3. (Amended) The container of claim 1 the first layer comprising approximately 0.015% maleic anhydride.

4. (Amended) The container of claim 1 wherein said container has a haze value of less than approximately 29% measured through a section of the container having a total thickness of greater than approximately 15 mils.

5. (Amended) The container of claim 1 wherein said container has a haze value of approximately 10%-12% measured through a section of the container having a total thickness of greater than approximately 15 mils.

Please add the following new claims:

10. (New) The container of claim 1, the adhesive being maleic anhydride.

11. (New) The container of claim 1 further comprising a third layer comprised of

polypropylene adjacent to the second layer.

12. (New) The container of claim 11, the adhesive in one of the first and second layers being located in the first layer and the third layer further comprising an adhesive.

13. (New) The container of claim 12, the adhesive in the first and third layers being maleic anhydride.

14. (New) The container of claim 11, the third layer defining an innermost layer.

15. (New) The container of claim 14, the third layer being bonded directly to the second layer.

16. (New) The container of claim 7, the second layer further comprising cobalt.

17. (New) A multilayer container comprising:

a first layer defining an innermost layer of the container and comprising polypropylene; and

a second layer comprising an oxygen barrier material, directly adjacent to said first layer;

one of the first and second layer further comprising an adhesive mixed therein.

18. (New) The container of claim 17 the first layer comprising approximately 0.01% to 0.20% maleic anhydride.

19. (New) The container of claim 17 the first layer comprising approximately 0.015% maleic anhydride.

20. (New) The container of claim 17 wherein said container has a haze value of less than approximately 29% measured through a section of the container having a total thickness of greater than approximately 15 mils.

21. (New) The container of claim 17 wherein said container has a haze value of approximately 10%-12% measured through a section of the container having a total thickness of greater than approximately 15 mils.
22. (New) The container of claim 17 wherein said second layer comprises EVOH.
23. (New) The container of claim 17 wherein said second layer comprises MXD6 nylon.
24. (New) The container of claim 17 wherein said second layer comprises nylon 6.
25. (New) The container of claim 17 wherein said second layer comprises nylon 6/66.
26. (New) The container of claim 17, the adhesive being maleic anhydride.
27. (New) The container of claim 17 further comprising a third layer comprised of polypropylene adjacent to the second layer.
28. (New) The container of claim 27, the adhesive in one of the first and second layers being located in the first layer and the third layer further comprising an adhesive.
29. (New) The container of claim 27, the adhesive in the first and third layers being maleic anhydride.
30. (New) The container of claim 27, the third layer defining an outermost layer.
31. (New) The container of claim 30, the third layer being bonded directly to the second layer.
32. (New) The container of claim 23, the second layer further comprising cobalt.
33. (New) A multilayer container comprising:
a first layer defining an outermost layer of the container and comprising a blend of a polypropylene and an adhesive; and

a second layer comprising an oxygen barrier material, directly adjacent to said first layer;

the adhesive facilitating bonding between the first layer and the second layer.

34. (New) The container of claim 33 the adhesive in the first layer comprising approximately 0.01% to 0.20% maleic anhydride.

35. (New) The container of claim 33 the adhesive in the first layer comprising approximately 0.015% maleic anhydride.

36. (New) The container of claim 33 wherein the container has a haze value of less than approximately 29% measured through a section of the container having a total thickness of greater than approximately 15 mils.

37. (New) The container of claim 33 wherein said container has a haze value of approximately 10%-12% measured through a section of the container having a total thickness of greater than approximately 15 mils.

38. (New) The container of claim 33 wherein said second layer comprises EVOH.

39. (New) The container of claim 33 wherein said second layer comprises MXD6 nylon.

40. (New) The container of claim 33 wherein said second layer comprises nylon 6.

41. (New) The container of claim 33 wherein said second layer comprises nylon 6/66.

42. (New) The container of claim 33, the adhesive being maleic anhydride.

43. (New) The container of claim 33 further comprising a third layer comprised of polypropylene adjacent to the second layer.

44. (New) The container of claim 43, the third layer further comprising an

adhesive.

45. (New) The container of claim 43, the adhesive in the first and third layers being maleic anhydride.

46. (New) The container of claim 43, the third layer defining an innermost layer.

47. (New) The container of claim 46, the third layer being bonded directly to the second layer.

48. (New) The container of claim 39, the second layer further comprising cobalt.

49. (New) A multilayer container comprising:

a first layer defining an innermost layer of the container and comprising a blend of a polypropylene and an adhesive; and

a second layer comprising an oxygen barrier material, directly adjacent to said first layer;

the adhesive facilitating bonding between the first layer and the second layer.

50. (New) The container of claim 49 the adhesive in the first layer comprising approximately 0.01% to 0.20% maleic anhydride.

51. (New) The container of claim 49 the adhesive in the first layer comprising approximately 0.015% maleic anhydride.

52. (New) The container of claim 49 wherein the container has a haze value of less than approximately 29% measured through a section of the container having a total thickness of greater than approximately 15 mils.

53. (New) The container of claim 49 wherein said container has a haze value of approximately 10%-12% measured through a section of the container having a total thickness of greater than approximately 15 mils.

54. (New) The container of claim 49 wherein said second layer comprises EVOH.

55. (New) The container of claim 49 wherein said second layer comprises MXD6 nylon.

56. (New) The container of claim 49 wherein said second layer comprises nylon 6.

57. (New) The container of claim 49 wherein said second layer comprises nylon 6/66.

58. (New) The container of claim 49, the adhesive being maleic anhydride.

59. (New) The container of claim 49 further comprising a third layer comprised of polypropylene adjacent to the second layer.

60. (New) The container of claim 59, the third layer further comprising an adhesive.

61. (New) The container of claim 59, the adhesive in the first and third layers being maleic anhydride.

62. (New) The container of claim 59, the third layer defining an outermost layer.

63. (New) The container of claim 62, the third layer being bonded directly to the second layer.

64. (New) The container of claim 55, the second layer further comprising cobalt.

65. (New) A multilayer container comprising:

a first layer comprising a blend of a polypropylene and an adhesive; and

a second layer comprising an oxygen barrier material, directly adjacent to said first layer;

the adhesive facilitating bonding between the first layer and the second layer, the first layer not having a layer comprised of polypropylene free of adhesive directly adjacent

thereto.

66. (New) The container of claim 65 the adhesive in the first layer comprising approximately 0.01% to 0.20% maleic anhydride.

67. (New) The container of claim 65 the adhesive in the first layer comprising approximately 0.015% maleic anhydride.

68. (New) The container of claim 65 wherein the container has a haze value of less than approximately 29% measured through a section of the container having a total thickness of greater than approximately 15 mils.

69. (New) The container of claim 65 wherein said container has a haze value of approximately 10%-12% measured through a section of the container having a total thickness of greater than approximately 15 mils.

70. (New) The container of claim 65 wherein said second layer comprises EVOH.

71. (New) The container of claim 65 wherein said second layer comprises MXD6 nylon.

72. (New) The container of claim 65 wherein said second layer comprises nylon 6.

73. (New) The container of claim 65 wherein said second layer comprises nylon 6/66.

74. (New) The container of claim 65, the adhesive being maleic anhydride.

75. (New) The container of claim 65 further comprising a third layer comprised of polypropylene adjacent to the second layer.

76. (New) The container of claim 75, the third layer further comprising an adhesive.

77. (New) The container of claim 76, the adhesive in the first and third layers being

maleic anhydride.

78. (New) The container of claim 75, the third layer defining an outermost layer.

79. (New) The container of claim 78, the third layer being bonded directly to the second layer.

80. (New) The container of claim 71, the second layer further comprising cobalt.

81. (New) The container of claim 65, the first layer defining an innermost layer.

82. (New) A blowmolded multilayer container comprising:

a first layer comprising polypropylene; and

a second layer comprising an oxygen barrier material;

the container having a haze value of less than approximately 29%.

83. (New) The container of claim 82 the adhesive in the first layer comprising approximately 0.01% to 0.20% maleic anhydride.

84. (New) The container of claim 82 the adhesive in the first layer comprising approximately 0.015% maleic anhydride.

85. (New) The container of claim 82 wherein the haze value of less than approximately 29% is taken from a section of the container having a total thickness of greater than approximately 15 mils.

86. (New) The container of claim 82 wherein said container has a haze value of approximately 10%-12%.

87. (New) The container of claim 82 wherein said second layer comprises EVOH.

88. (New) The container of claim 82 wherein said second layer comprises MXD6 nylon.

89. (New) The container of claim 82 wherein said second layer comprises nylon 6.

90. (New) The container of claim 82 wherein said second layer comprises nylon 6/66.

91. (New) The container of claim 82, the adhesive being maleic anhydride.

92. (New) The container of claim 82 further comprising a third layer comprised of polypropylene adjacent to the second layer.

93. (New) The container of claim 92, the third layer further comprising an adhesive.

94. (New) The container of claim 93, the adhesive in the first and third layers being maleic anhydride.

95. (New) The container of claim 92, the third layer defining an outermost layer.

96. (New) The container of claim 95, the third layer being bonded directly to the second layer.

97. (New) The container of claim 88, the second layer further comprising cobalt.

98. (New) The container of claim 82, the first layer defining an innermost layer.

CONCLUSION

Applicants respectfully request entry of this paper prior to examination of this application on its merits.

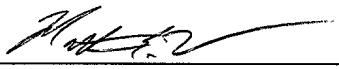
Attached hereto is a marked-up version of the changes made to the claims and specification by this paper. The attached page is captioned "Version With Markings To Show Changes."

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: July 9, 2001

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Version with Markings to Show Changes

Please amend the application as follows:

IN THE CLAIMS:

Please amend the claims as follows:

1. (Amended) A multilayer [injection molded] container comprising:
a first layer defining an outermost layer of the container and comprising polypropylene; and
a second layer comprising an oxygen barrier material [a material selected from the group consisting of EVOH and nylon], directly adjacent to said first layer;
[wherein] at least one of said first and second layer further comprises an adhesive mixed therein.
2. (Amended) The container of claim 1 [wherein said] the first layer comprising [contains] approximately 0.01% to 0.20% maleic anhydride.
3. (Amended) The container of claim 1 [wherein said] the first layer comprising [contains] approximately 0.015% maleic anhydride.
4. (Amended) The container of claim 1 wherein said container has a haze value of less than approximately 29% measured through a section of the container [bottle] having a total thickness of greater than approximately 15 mils.
5. (Amended) The container of claim 1 wherein said container has a haze value of approximately 10%-12% measured through a section of the container [bottle] having a total thickness of greater than approximately 15 mils.